

EB P3 K

By: *[Signature]*

S.B. No. 711

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting discrimination against certain peace officers for refusal to take a polygraph examination.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. (a) Except as provided by Section 2 of this Act, in this Act, "peace officer" means a person elected, appointed, or employed by a governmental entity as a peace officer under Article 2.12, Code of Criminal Procedure, or other law.

(b) A peace officer may not be suspended, discharged, or subjected to any other form of employment discrimination because the person refuses to take a polygraph examination.

SECTION 2. This Act does not apply to a peace officer commissioned by the ~~Texas~~ Department of Public Safety, *of the State of Texas*

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

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By: Patterson S.B. No. 711
(In the Senate - Filed March 9, 1993; March 9, 1993, read first time and referred to Committee on Criminal Justice; May 11, 1993, reported adversely, with favorable Committee Substitute by the following vote: Yeas 6, Nays 0; May 11, 1993, sent to printer.)

COMMITTEE VOTE

	Yea	Nay	PNV	Absent
Whitmire	x			
Brown	x			
Nelson	x			
Sibley				x
Sims	x			
Turner	x			
West	x			

COMMITTEE SUBSTITUTE FOR S.B. No. 711

By: Sims

A BILL TO BE ENTITLED
AN ACT

relating to prohibiting employment discrimination against certain peace officers and fire fighters for refusing to take a polygraph examination.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. (a) A fire fighter or peace officer may not be required to submit to a polygraph examination as part of an internal investigation regarding the conduct of the fire fighter or peace officer unless:

(1) the complainant submits to a polygraph examination and no deception is indicated regarding matters critical to the subject matter under investigation or the results of the examination are inconclusive; or

(2) the fire fighter or peace officer is ordered to take an examination under Subsection (d) or (e) of this section.

(b) Subdivision (1) of Subsection (a) of this section does not apply if the complainant is mentally incapable of being polygraphed.

(c) The results of a polygraph examination that relate to the complaint or issue under investigation are admissible in a proceeding before a regulatory authority hearing the complaint only:

(1) to corroborate other statements or evidence; or

(2) with the consent of the officer subject to the process.

(d) A department head may order a fire fighter or peace officer to submit to a polygraph examination if the department head considers the circumstances to be extraordinary, the department head believes that the integrity of the fire fighter or peace officer is in question, and the department head submits to the fire fighter or peace officer being investigated a written explanation of the nature of the extraordinary circumstances.

(e) A fire fighter or peace officer may be required to submit to a polygraph examination if the complaint is confined to internal operations, the complainant is an employee of the department, and there is prima facie evidence that the complaint is valid.

SECTION 2. This Act does not apply to a peace officer:

(1) to whom Section 411.007, Government Code, and its subsequent amendments apply; or

(2) who has been ordered to take a polygraph examination under Section 143.124, Local Government Code, and its subsequent amendments.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended,

and that this Act take effect and be in force from and after its passage, and it is so enacted.

* * * * *

Austin, Texas
May 11, 1993

Hon. Bob Bullock
President of the Senate

Sir:

We, your Committee on Criminal Justice to which was referred S.B. No. 711, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

Whitmire, Chairman

* * * * *

WITNESSES

FOR AGAINST ON

Name: Mark Clark
Representing: CLEAT
City: Austin

x

Name: Stephen E. Vitasun
Representing: Plano Police Assoc.
City: Plano

x

Name: Jim Lyde
Representing: Texas Municipal Police Assoc
City: Austin

x

FAVORABLY AS SUBSTITUTED
SENATE COMMITTEE REPORT ON

(SB) SCR SJR SR HB HCR HJR 711
By Patterson
(Author/Senate Sponsor)
5/11/93
(date)

We, your Committee on CRIMINAL JUSTICE, to which was referred the attached measure,
have on 5/11/93, had the same under consideration and I am instructed to report it
(date of hearing)
back with the recommendation (s) that it:

- ☒ do pass as substituted, and be printed
☐ the caption remained the same as original measure
☒ the caption changed with adoption of the substitute
☐ do pass as substituted, and be ordered not printed
☐ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☒ yes ☐ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Whitmire, Chairman	<input checked="" type="checkbox"/>			
Brown, Vice-Chairman	<input checked="" type="checkbox"/>			
Nelson	<input checked="" type="checkbox"/>			
Sibley			<input checked="" type="checkbox"/>	
Sims	<input checked="" type="checkbox"/>			
Turner	<input checked="" type="checkbox"/>			
West	<input checked="" type="checkbox"/>			
TOTAL VOTES	6	0	1	0

COMMITTEE ACTION

☒ S260 Considered in public hearing
☒ S270 Testimony taken

Diana Lally
COMMITTEE CLERK

John
CHAIRMAN

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
73rd Regular Session

March 26, 1993

TO: Honorable John Whitmire, Chair
Committee on Criminal Justice
Senate Chamber
Austin, Texas

IN RE: Senate Bill No. 711
By: Patterson

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 711 (relating to prohibiting discrimination against certain peace officers for refusal to take a polygraph examination) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Source: Commission on Law Enforcement Officer Standards and Education;
LBB Staff: JO, JWH, EC, BML, JOL

R
B/L

By: Patterson

S.B. No. 711

~~Substitute the following for S.B. No. 711.~~

By: Jim

~~C.S.S.B. No. 711~~

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting employment discrimination against certain peace officers and fire fighters for refusing to take a polygraph examination.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. (a) A fire fighter or peace officer may not be required to submit to a polygraph examination as part of an internal investigation regarding the conduct of the fire fighter or peace officer unless:

(1) the complainant submits to a polygraph examination and no deception is indicated regarding matters critical to the subject matter under investigation or the results of the examination are inconclusive; or

(2) the fire fighter or peace officer is ordered to take an examination under Subsection (d) or (e) of this section.

(b) Subdivision (1) of Subsection (a) of this section does not apply if the complainant is mentally incapable of being polygraphed.

(c) The results of a polygraph examination that relate to the complaint or issue under investigation are admissible in a proceeding before a regulatory authority hearing the complaint only:

(1) to corroborate other statements or evidence; or

5-11-93
5-13-93

1 (2) with the consent of the officer subject to the
2 process.

3 (d) A department head may order a fire fighter or peace
4 officer to submit to a polygraph examination if the department head
5 considers the circumstances to be extraordinary, the department
6 head believes that the integrity of the fire fighter or peace
7 officer is in question, and the department head submits to the fire
8 fighter or peace officer being investigated a written explanation
9 of the nature of the extraordinary circumstances.

10 (e) A fire fighter or peace officer may be required to
11 submit to a polygraph examination if the complaint is confined to
12 internal operations, the complainant is an employee of the
13 department, and there is prima facie evidence that the complaint is
14 valid.

15 SECTION 2. This Act does not apply to a peace officer:

16 (1) to whom Section 411.007, Government Code, and its
17 subsequent amendments apply; or

18 (2) who has been ordered to take a polygraph
19 examination under Section 143.124, Local Government Code, and its
20 subsequent amendments.

21 SECTION 3. The importance of this legislation and the
22 crowded condition of the calendars in both houses create an
23 emergency and an imperative public necessity that the
24 constitutional rule requiring bills to be read on three several
25 days in each house be suspended, and this rule is hereby suspended,
26 and that this Act take effect and be in force from and after its²
27 passage, and it is so enacted.

May 13 1993 Engrossed

Daisy Saw
Engrossing Clerk

1993 MAY 17 AM 11:38

HOUSE OF REPRESENTATIVES

I certify that the attached is a true and correct copy of the bill as introduced in the House of Representatives.

SB 711
SB 93

reference to the Texas Department of Public Safety

[Signature]
Chief Clerk of the House

By: Patterson
(Oakley)

S.B. No. 711

A BILL TO BE ENTITLED

AN ACT

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2 peace officers and fire fighters for refusing to take a polygraph
3 examination.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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6 required to submit to a polygraph examination as part of an
7 internal investigation regarding the conduct of the fire fighter or
8 peace officer unless:

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10 and no deception is indicated regarding matters critical to the
11 subject matter under investigation or the results of the
12 examination are inconclusive; or

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19 the complaint or issue under investigation are admissible in a
20 proceeding before a regulatory authority hearing the complaint
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23 (2) with the consent of the officer subject to the

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3 officer to submit to a polygraph examination if the department head
4 considers the circumstances to be extraordinary, the department
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6 officer is in question, and the department head submits to the fire
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23 constitutional rule requiring bills to be read on three several
24 days in each house be suspended, and this rule is hereby suspended,
25 and that this Act take effect and be in force from and after its

60
S.B. No. 711

1 passage, and it is so enacted.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
73rd Regular Session

May 11, 1993

TO: Honorable John Whitmire, Chair
Committee on Criminal Justice
Senate Chamber
Austin, Texas

IN RE: Committee Substitute for
Senate Bill No. 711

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for Senate Bill No. 711 (relating to prohibiting employment discrimination against certain peace officers and fire fighters for refusing to take a polygraph examination) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Source: LBB Staff: JO, JWH, EC, JOL

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
73rd Regular Session

March 26, 1993

TO: Honorable John Whitmire, Chair
Committee on Criminal Justice
Senate Chamber
Austin, Texas

IN RE: Senate Bill No. 711
By: Patterson

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 711 (relating to prohibiting discrimination against certain peace officers for refusal to take a polygraph examination) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Source: Commission on Law Enforcement Officer Standards and Education;
LBB Staff: JO, JWH, EC, BML, JOL

HOUSE COMMITTEE REPORT

1st Printing

93 MAY 11 8 PM 10: 11.7
HOUSE OF REPRESENTATIVES

By: Patterson
(Oakley)

S.B. No. 711

A BILL TO BE ENTITLED

AN ACT

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2 peace officers and fire fighters for refusing to take a polygraph
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4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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6 required to submit to a polygraph examination as part of an
7 internal investigation regarding the conduct of the fire fighter or
8 peace officer unless:

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11 subject matter under investigation or the results of the
12 examination are inconclusive; or

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14 take an examination under Subsection (d) or (e) of this section.

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16 not apply if the complainant is mentally incapable of being
17 polygraphed.

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19 the complaint or issue under investigation are admissible in a
20 proceeding before a regulatory authority hearing the complaint
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23 (2) with the consent of the officer subject to the

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2 (d) A department head may order a fire fighter or peace
3 officer to submit to a polygraph examination if the department head
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23 constitutional rule requiring bills to be read on three several
24 days in each house be suspended, and this rule is hereby suspended,
25 and that this Act take effect and be in force from and after its

S.B. No. 711

1 passage, and it is so enacted.

COMMITTEE REPORT

The Honorable Pete Laney
Speaker of the House of Representatives

MAY 18, 1993
(date)

Sir:

We, your COMMITTEE ON PUBLIC SAFETY
to whom was referred SB 711 have had the same under consideration and beg to report
(measure)

back with the recommendation that it

(☒) do pass, without amendment.
() do pass, with amendment(s).
() do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (☒) yes () no An author's fiscal statement was requested. () yes (☒) no

A criminal justice policy impact statement was requested. (☒) yes () no

An equalized educational funding impact statement was requested. () yes (☒) no

An actuarial impact statement was requested. () yes (☒) no

A water development policy impact statement was requested. () yes (☒) no

() The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

House Sponsor of Senate Measure OAKLEY

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Oakley, Ch.	<input checked="" type="checkbox"/>			
Bailey, V.C.				<input checked="" type="checkbox"/>
Allen				<input checked="" type="checkbox"/>
Carter	<input checked="" type="checkbox"/>			
Gavazos				
Edwards	<input checked="" type="checkbox"/>			
Krusee	<input checked="" type="checkbox"/>			
Price	<input checked="" type="checkbox"/>			
Rodriguez	<input checked="" type="checkbox"/>			
Smith, A.				<input checked="" type="checkbox"/>
Yost	<input checked="" type="checkbox"/>			
LUNA				<input checked="" type="checkbox"/>

Total

7 aye
0 nay
0 present, not voting
4 absent

Pete Laney
CHAIRMAN

BILL ANALYSIS

SB 711

**BY PATTERSON (OAKLEY)
PUBLIC SAFETY**

BACKGROUND

Currently, officers of the Department of Public Safety, as well as public sector employees, are not required to take polygraph examinations.

PURPOSE

As proposed, SB 711 prohibits fire fighters and peace officers from being required to take a polygraph examination unless certain conditions exist.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. (a) Prohibits a fire fighter or peace officer from being required to submit to a polygraph examination as a part of an internal investigation regarding the conduct of a fire fighter or peace officer unless the complainant submits to a polygraph examination and no deception is indicated regarding matters critical to the subject matter or the results of the examination are inconclusive; or the fire fighter or peace officer is ordered to take an examination under Subsection (d) or (e) of this section.

(b) Provides that Subdivision (1) of Subsection (a) does not apply if the complainant is mentally incapable of being polygraphed.

(c) Provides that the results of a polygraph examination that relate to the complaint or issue under investigation are admissible in a proceeding before a regulatory authority only to corroborate other statements or evidence or with the consent of the officer subject to the process.

(d) Authorizes a department head to order a fire fighter or peace officer to submit to a polygraph examination if the department head believes certain conditions exist.

(e) Authorizes a fire fighter or peace officer to be required to submit to a polygraph examination if the complaint is confined to internal operations, the complainant is an employee of the department, and there is prima facie evidence that the complaint is valid.

SECTION 2. Provides that this Act does not apply to a peace officer to whom Section 411.007, Government Code, applies or who has been ordered to take a polygraph examination under Section 143.124, Local Government Code.

SECTION 3. Emergency Clause.

Effective Date: Upon Passage

SUMMARY OF COMMITTEE ACTION

SB 711 was considered in a formal meeting on May 18, 1993. A motion to report SB 711 to the full house with the recommendation that it do pass and be printed carried with a vote of 7 Ayes, 0 Nays, 0 PNV, and 4 Absent.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
73rd Regular Session

May 17, 1993

TO: Honorable Keith Oakley, Chair
Committee on Public Safety
House of Representatives
Austin, Texas

IN RE: Senate Bill No. 711, as engrossed
By: J. Patterson

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 711, as engrossed (relating to prohibiting employment discrimination against certain peace officers and fire fighters for refusing to take a polygraph examination) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Source: LBB Staff: JO, JWH, DF, OC

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
73rd Regular Session

May 11, 1993

TO: Honorable John Whitmire, Chair
Committee on Criminal Justice
Senate Chamber
Austin, Texas

IN RE: Committee Substitute for
Senate Bill No. 711

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for Senate Bill No. 711 (relating to prohibiting employment discrimination against certain peace officers and fire fighters for refusing to take a polygraph examination) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Source: LBB Staff: JO, JWH, EC, JOL

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
73rd Regular Session

March 26, 1993

TO: Honorable John Whitmire, Chair
Committee on Criminal Justice
Senate Chamber
Austin, Texas

IN RE: Senate Bill No. 711
By: Patterson

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 711 (relating to prohibiting discrimination against certain peace officers for refusal to take a polygraph examination) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Source: Commission on Law Enforcement Officer Standards and Education;
LBB Staff: JO, JWH, EC, BML, JOL

S.B. No. 711

By Patterson

A BILL TO BE ENTITLED

AN ACT:

relating to prohibiting discrimination against certain peace officers for refusal to take a polygraph examination.

3-9-93
3-9-93

Filed with the Secretary of the Senate

Read and referred to Committee on

Criminal Justice

Reported favorably

May 11, 1993

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

MAY 13 1993

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by:

unanimous consent

____ years, ____ nays

MAY 13 1993

Read second time, _____, and ordered engrossed by:

unanimous consent
a viva voce vote

____ years, ____ nays

MAY 13 1993

Caption ordered amended to conform to the body of the bill.

Senate and Constitutional 3 Day Rule suspended by a vote of 30 years, 0 nays.

MAY 13 1993

Read third time, _____, and passed by:

A viva voce vote

30 years, 0 nays

Betty King

SECRETARY OF THE SENATE

OTHER ACTION:

May 13, 1993

Engrossed

May 13, 1993

Sent to House

Engrossing Clerk

Ratsy Law

MAY 13 1993

Received from the Senate

MAY 14 1993

Read first time and referred to Committee on

PUBLIC SAFETY

5-18-93

Reported favorably ~~amended~~, sent to Printer at

3:30pm 5-18-93

MAY 18 1993

Printed and Distributed

10:17pm

5-19-93

Sent to Committee on Calendars

2:47pm

Read Second time (amended): passed to third reading (failed)

by (Non-Record Vote) Record Vote of ____ years, ____ nays ____ present not voting.

Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of ____ years, ____ nays ____ present not voting.

Read third time (amended): finally passed (failed) by a (Non-Record Vote) Record Vote of

____ years, ____ nays ____ present not voting.

Caption ordered amended to conform to body of bill.

Returned to Senate.

CHIEF CLERK OF THE HOUSE

Returned from House without amendment.

Returned from House with ____ amendments.

Concurred in House amendments by a viva voce vote ____ years, ____ nays.

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____
_____, _____, and _____

_____ House granted Senate request. House conferees appointed: _____, Chairman;
_____, _____, _____, _____.

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by: _____

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged.

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays

93 MAY 16 PM 10: 17
HOUSE OF REPRESENTATIVES

LEGISLATIVE BUDGET BOARD

CRIMINAL JUSTICE POLICY IMPACT STATEMENT

May 17, 1993

TO: Honorable Keith Oakley, Chair
Committee on Public Safety
House of Representatives
Austin, Texas

IN RE: Senate Bill No. 711, as engrossed
By: Patterson

FROM: Jim Oliver, Director

In response to your request for a Criminal Justice Policy Impact Statement on Senate Bill No. 711, as engrossed (relating to prohibiting employment discrimination against certain peace officers and fire fighters for refusing to take a polygraph examination), this office has determined the following:

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

LEGISLATIVE BUDGET BOARD

CRIMINAL JUSTICE POLICY IMPACT STATEMENT

May 11, 1993

TO: Honorable John Whitmire, Chair
Committee on Criminal Justice
Senate Chamber
Austin, Texas

IN RE: Committee Substitute for
Senate Bill No. 711

FROM: Jim Oliver, Director

In response to your request for a Criminal Justice Policy Impact Statement on Committee Substitute for Senate Bill No. 711 (relating to prohibiting employment discrimination against certain peace officers and fire fighters for refusing to take a polygraph examination), this office has determined the following:

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

LEGISLATIVE BUDGET BOARD

CRIMINAL JUSTICE POLICY IMPACT STATEMENT

March 19, 1993

TO: Honorable John Whitmire, Chair
Committee on Criminal Justice
Senate Chamber
Austin, Texas

IN RE: Senate Bill No. 711
By: Patterson

FROM: Jim Oliver, Director

In response to your request for a Criminal Justice Policy Impact Statement on Senate Bill No. 711 (relating to prohibiting discrimination against certain peace officers for refusal to take a polygraph examination), this office has determined the following:

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

BILL ANALYSIS

Senate Research Center

S.B. 711
By: Patterson
Criminal Justice
5-10-93
As Filed

BACKGROUND

Currently, officers of the Department of Public Safety, as well as public sector employees, are not required to take polygraph examinations.

PURPOSE

As proposed, S.B. 711 prohibits certain peace officers from being subjected to any form of employment discrimination because the person refuses to take a polygraph examination.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. (a) Defines "peace officer."

(b) Prohibits a peace officer from being suspended, discharged, or subjected to any other form of employment discrimination because the person refuses to take a polygraph examination.

SECTION 2. Provides that this Act does not apply to a peace officer commissioned by the Texas Department of Public Safety.

SECTION 3. Emergency clause.
Effective date: upon passage.

BILL ANALYSIS

Senate Research Center

C.S.S.B. 711
By: Patterson
Criminal Justice
5-13-93
Committee Substitute

BACKGROUND

Currently, officers of the Department of Public Safety, as well as public sector employees, are not required to take polygraph examinations.

PURPOSE

As proposed, C.S.S.B. 711 prohibits fire fighters and peace officers from being required to take a polygraph examination unless certain conditions exist.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. (a) Prohibits a fire fighter or peace officer from being required to submit to a polygraph examination as a part of an internal investigation regarding the conduct of a fire fighter or peace officer unless the complainant submits to a polygraph examination and no deception is indicated regarding matters critical to the subject matter or the results of the examination are inconclusive; or the fire fighter or peace officer is ordered to take an examination under Subsection (d) or (e) of this section.

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(c) Provides that the results of a polygraph examination that relate to the complaint or issue under investigation are admissible in a proceeding before a regulatory authority only to corroborate other statements or evidence or with the consent of the officer subject to the process.

(d) Authorizes a department head to order a fire fighter or peace officer to submit to a polygraph examination if the department head believes certain conditions exist.

(e) Authorizes a fire fighter or peace officer to be required to submit to a polygraph examination if the complaint is confined to internal operations, the complainant is an employee of the department, and there is prima facie evidence that the complaint is valid.

SECTION 2. Provides that this Act does not apply to a peace officer to whom Section 411.007, Government Code, applies or who has been ordered to take a polygraph examination under Section 143.124, Local Government Code.

SECTION 3. Emergency clause.
Effective date: upon passage.